

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ROBERT L. HOLBROOK, et al.,

Plaintiffs,

v.

THERESA JELLEN, et al.,

Defendants.

CIVIL ACTION NO. 3:14-CV-28

(JUDGE CAPUTO)

(MAGISTRATE JUDGE Blewitt)

ORDER

NOW, this 14th day of May, 2014, upon review of the Report and Recommendation of Magistrate Judge Blewitt (Doc. 8) for plain error or manifest injustice, IT IS HEREBY ORDERED that:

1. The Report & Recommendation (Doc. 8) is **ADOPTED**.
2. Defendants' Motion to Dismiss (Doc. 5) is **GRANTED in part and DENIED in part**. Defendants' Motion is **GRANTED** with respect to Plaintiffs' claims seeking monetary damages against state actor Defendants in their official capacities, and these claims are **DISMISSED with prejudice**. Plaintiffs' claim for a declaratory judgment against Defendants is **DISMISSED without prejudice**. Defendants' Motion is **DENIED** with respect to Plaintiffs' claims against supervisory Defendants and Plaintiffs' First Amendment claims.
3. This case is **RECOMMITTED** to Magistrate Judge Blewitt for further proceedings.



A. Richard Caputo
United States District Judge